

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

CHARLES LINDSEY,)	
)	
Plaintiff,)	
)	
v.)	No. 05-0399-CV-W-FJG
)	
FBI, et al.)	
)	
Defendants.)	

ORDER

On August 15, 2005, the Court issued an Order dismissing plaintiff's Complaint and Amended Complaint because plaintiff had failed to state a claim upon which relief could be granted. On August 17, 2005, plaintiff apparently came to the Courthouse and paid the filing fee. Thereafter, the Clerk of the Court filed plaintiff's Complaint.

Ordinarily, if a Motion to Proceed in forma pauperis is denied, the plaintiff is given a period of time in which they may choose to pay the filing fee and proceed with their suit despite the fact that their motion for leave to proceed in forma pauperis has been denied. However, in this case, plaintiff's Complaint and Amended Complaint were dismissed because the Court found that plaintiff could prove no set of facts in support of his claim which would entitle him to relief. This determination is unchanged by the fact that plaintiff has now paid the filing fee. Accordingly, as it appears that the Clerk's office was mistaken in accepting plaintiff's filing fee as his case had already been dismissed, the Clerk of the Court is hereby **ORDERED** to refund to plaintiff Charles Lindsey the sum of \$250.00. The refund shall be sent to Mr. Lindsey at the following address: 5533 Virginia, Kansas City, MO 64110. The Clerk of the Court is further **ORDERED** to strike

from the docket sheet, plaintiff's Complaint which was filed on August 17, 2005.

Date: October 19, 2005
Kansas City, Missouri

/s/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge